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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,745	07/26/2000	Albert Henricus Franciscus de Heer	GDT1P004	8534

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EXAMINER
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AL-HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 08/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/625,745

Applicant(s)

DE HEER ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/26/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. The preamble of Claim 1 states that data is distributed for the use in a catalog, where the body of the claim addresses capturing but not distributing data.
2. Applicant need to fill in the application number in the cross reference to related application page 1.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1, and 10-14, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/625913.

This is a provisional obviousness-type double patenting rejection.

3. Regarding Claim 1, Claim 1 of the 09/625913 application is verbatim reproduction, with addition of "distributing the product data". However, the 09/625745

invention has utility such as capturing and storing data and does not need to distribute product data. Hence it would have been obvious to one of ordinary skill in the art to delete the step of distributing the product data.

4. Regarding Claim 10-14, the claimed subject matter is drawn to the same invention of claim 1 in the 09/625913 application, as set forth above, with further compatibility with other countries and related products. The examiner takes official notes that it was well known to link products and /or provide countries of sale. Since it would have been desirable to have a system facilitating world wide use, it would have been obvious to modify the 09/625913 invention by including the steps of:

- a. Specifying, and providing one or more countries for which the product is adapted for sale.
- b. Linking to one or more related products that are recommended as related to the product.
- c. Linking to platform compatibility information associated with the product.
- d. Providing one or more possible platform that is selectable as platform with which the product is compatible.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5, 12-16, 18, 20, and 21, are rejected under U.S.C. 35 102 (a) as being anticipated by Maxwell et al. (US Patent No. 5,675,784)

5. Regarding Claim 1, Maxwell discloses a method of distributing data for use in a catalog, comprising:

capturing product data for a product according to a data model, the data model having one or more classes, each one of the one or more classes being defined by one or more categories, each of the one or more categories being defined by an attribute group having one or more attributes (see column 7, lines 10-67, Maxwell);

storing the product data, wherein the stored product data is suitable for use in an electronic catalog (see column 8, line 1, Maxwell).

6. Regarding Claim 2, Maxwell discloses a method wherein capturing product data includes:

classifying a product to be entered according to the data model (see column 7, lines 10-34, Maxwell);

rendering a data entry template associated with the category of the classified product, wherein the data entry template includes a listing of potential values associated with each of the attributes in the category of the classified product, wherein the listing of potential values identify values that are selectable as values for the associated attribute (see column 6, lines 45-48, Maxwell).

7. Regarding Claim 3, Maxwell discloses a method wherein the rendering further includes repeating the listing of potential values for the classified product when the attribute group associated with the classified product is indicated to be a repeating group in the data model (see column 6, lines 15-18, Maxwell).

8. Regarding Claims 4, and 5, Maxwell discloses a method wherein each attribute is associated with a possible value list including values that are selectable and selected

searchable attributes are specified, wherein the step of capturing product data includes reviewing product information for a particular product and selecting specific values from the possible value list for each of the selected searchable attributes (see column 7, lines 60-67, Maxwell).

9. Regarding Claim 12, Maxwell discloses a method further including:

linking to one or more related products that are recommended as related to the product (see column 5, lines 53-55, Maxwell).

10. Regarding Claims 13, and 14, Maxwell discloses a method further including:

linking to platform compatibility information associated with the product (see column 5, lines 38-42, Maxwell).

11. Regarding Claim 15, The method as recited in claim 1, wherein each attribute has an associated possible value list that identifies values that are selectable as values for the associated attribute and wherein storing the product data further includes:

storing selected attributes in an attribute table, each of the selected attributes being identified by a system SKU and having at least one of the values in the associated possible value list.

12. Regarding Claim 16, Maxwell disclose a method wherein capturing product data for the product includes:

classifying the product according to a data model having one or more classes, wherein each of the classes is arranged to identify one or more associated categories and each of the categories is arranged to identify an associated attribute group having one or more attributes, each attribute having an associated possible value list that identifies

values that are selectable as values for the associated attribute (see column 5, lines 43-52, Maxwell);

selecting at least one of the values in the associated possible value list for selected attributes in the associated attribute group(see column 2, lines 39-42, Maxwell);

inputting the selected values for the product to the system product data file (see column 2, lines 28-32, Maxwell).

13. Regarding Claim 18, Maxwell discloses a method wherein capturing data for the product further includes:

inputting a marketing description associated with the product to the system product data file (see column 2, lines 43-54, Maxwell).

14. Regarding Claim 20, Maxwell discloses a method wherein capturing data for the product further includes:

inputting to the system product data file a list identifying one or more related products that are recommended as related to the product (see column 5, lines 53-66, Maxwell).

15. Regarding Claim 21, Maxwell discloses a method wherein capturing data for the product further includes:

inputting to the system product data file platform compatibility information associated with the product (see column 5, lines 10-12, Maxwell).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11,17, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell et al. (US Patent No. 5,675,784), further in view of Blinn et al. (US Patent No. 5,999,914).

Regarding Claims 6-11, 17, and 19, Maxwell does not explicitly disclose using the SKU for stocking the product. However, Blinn discloses the use of the SKU with a method of identifying and describing the products. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Maxwell invention with the Blinn invention, with the motivation of controlling the stocking of the products with the related identification and description.

16. Regarding Claim 6, and 9, Blinn does not explicitly disclose creating a product header that is associated with the product, wherein creating the product header includes storing a system SKU associated with the product in the product header; storing a manufacturer SKU associated with the product in the product header; associating the product header with product information characterizing the product. However, Blinn discloses a unique value identifier that corresponds to the header in the SKU (see column 11, lines 1-15, Blinn) to uniquely identify the quantity and price for each item..

17. Regarding Claim 7, Maxwell discloses a method wherein the product information includes one of the one or more categories and a manufacturer product description, the manufacturer product description describing standard features of the product (see column 9, lines 27-31, Blinn).

18. Regarding Claim 8, and 17, Blinn discloses a method further including:  
linking the product header to one or more images illustrating the product (see column 13, lines 13-35, Blinn).

19. Regarding Claim 10, 11, and 19, Blinn does not explicitly disclose a method further including: specifying one or more countries for which the product is adapted for



sale. However, Blinn discloses the message value is initially set to "USA" which inherent there is a list of countries to select from (see column 10, lines 65-67, Blinn).

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9098. For formal or draft communications, please label "PROSPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
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July 31, 2002

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER